Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	Gen Docket No. 90-314
	)	ET Docket No. 92-100
	)	
Amendment of the Commission's	)	RM-7140, RM-7175, RM-7617
Rules to Establish New Personal	)	RM-7618, RM-7760, RM-7782
Communications Services	)	RM-7860, RM-7977, RM-7978
	)	RM-7979, RM-7980
	)	
	)	pp-35 through pp-40
	)	pp-79 through pp-85

To: The Commission

COMMENTS OF DIAL PAGE, INC.

Dial Page, Inc. ("Dial Page"), by its attorneys, and pursuant to Rule Section 1.415, submits comments on the Commission's Notice of Proposed Rulemaking and Tentative Decision ("NPRM"), FCC 92-333 (August 14, 1992) in the above-captioned proceeding to establish new personal communications services ("PCS").

I. Introduction.

1. The Commission's August 14, 1992 NPRM is a significant advancement towards the expeditious provision of PCS. In its NPRM, the Commission consolidated requests for 900 MHz narrowband PCS services with the broadband PCS family it describes as including services such as CT-2, PCNs, wireless PBXs, and wireless data transfer systems. Dial Page's comments focus specifically on the regulatory treatment of 900 MHz narrowband PCS services in connection with its proposal for an advanced technology service, Acknowledgment Paging.1/

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1/ Dial Page is a publicly traded company and a long-term Commission licensee of Public Mobile Service facilities located throughout the southeastern portion of the United States. Dial Page provides a variety of paging services, including tone-only, tone and voice, digital and alphanumeric paging to approximately 180,000 subscribers on

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2. By its NPRM, the Commission seeks comment on the regulatory structure of 900 MHz narrowband services, including spectrum allocation, geographical service areas and licensing schemes. The Commission set forth its goal to optimize and balance four values in providing spectrum and a regulatory structure for broadband and narrowband PCS: (1) universality; (2) speed of deployment; (3) diversity of services; and, (4) competitive delivery. NPRM at para. 6. Dial Page agrees with and supports these goals.

3. Dial Page has been a forerunner in the pioneering of 900 MHz narrowband services and as such has a direct interest in the expeditious licensing of 900 MHz services.[2/] Dial Page's Acknowledgment Paging is a service that will significantly improve the reliability of traditional paging services by allowing a pager user to immediately acknowledge receipt of a page. Dial Page views its proposal as a valuable enhancement to the paging industry.

1/ (...continued)
both a local and regional basis. As a provider of communications services, Dial Page is aware of the need to enhance and improve traditional paging service. In furtherance of its commitment to the facilitation and advancement of innovative technologies and systems, Dial Page petitioned the Commission on October 11, 1991, for an allocation in the 930-931 MHz band for an advanced technology common carrier service, Acknowledgment Paging.

2/ In addition to Dial Page's October 11, 1991 petition for rulemaking for AP service, Dial Page simultaneously filed a request for a Pioneer's Preference for its AP proposal. Dial Page filed an experimental license for AP which was granted May 6, 1992. On June 1, 1992, Dial Page supplemented both its petition and its pioneer's preference request with a showing of consumer acceptability and technical feasibility.

4. As already submitted to the Commission, Dial Page has documented a large consumer demand for its proposed service. Through a marketing study conducted by Arthur D. Little ("ADL"), four million current paging users, and an additional four million new paging users indicated that they would subscribe to an AP service. ADL's study demonstrates a strong consumer interest and acceptance of AP, comparable to that of SMR or cellular units in service today. In addition to the consumer acceptance of AP, Dial Page has presented the Commission with a preliminary technical feasibility study which explains the new development of a paging receiver called the "Digiceiver" designed especially for AP. The Digiceiver demonstrates the feasibility of an AP service. Thus, Dial Page has a strong interest in the effective and efficient licensing of 900 MHz narrowband services.

II. **Dial Page's Comments**.

5. Dial Page has actively participated with industry leaders through a Telocator task force which studied 900 MHz narrowband services and is addressing through its own comments in this proceeding what industry leaders believe will be the most appropriate regulatory structure to accommodate 900 MHz narrowband services. Dial Page by these comments, supports Telocator's comments as set forth below.

6. Specifically, Dial Page recommends, and supports Telocator on the following issues: (1) the Commission should establish separate procedural tracks for 900 MHz narrowband PCS and the 1850-1990 MHz broadband PCS; (2) the Commission should adopt a flexible channelization plan and maximize entry opportunities for numerous 900 MHz narrowband services and

providers by allocating no more than 50 KHz channels; (3) the Commission should establish regional service areas; and (4) the Commission should adopt stringent anti-speculation safeguards to prevent lottery abuse.

A. The Commission should separate procedural tracks for 900 MHz narrowband PCS and 1850-1990 broadband PCS.

7. Dial Page along with Telocator, strongly advises the Commission to separate the 900 MHz narrowband PCS services from the 1850-1990 MHz broadband PCS services. While the narrowband and broadband services have similar characteristics, the issues concerning 900 MHz narrowband services are far less complicated than the issues facing broadband PCS. Thus, the broadband PCS proceeding could likely procedurally delay the narrowband proceeding for no sound reason.

8. The narrowband PCS and the broadband PCS services and their licensing schemes differ in several respects. First, the proposed 3 MHz of spectrum for narrowband services can support multiple licensees as opposed to the tentatively proposed three service providers for broadband PCS at 1850-1990 MHz, or at most, four or five service providers. NPRM at para. 34. The amount of spectrum required to support the proposed broadband PCS services is far greater than that required for narrowband PCS services, and thus the number of service providers than can be accommodated is far less. Second, the spectrum proposed for narrowband services in the 930-931 MHz was specifically reserved for "advanced paging technology"[3/] and the 901-902, and 940-941 was

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3/ See Policies and Procedures for One-way Paging Stations in the Domestic Public Land Mobile Radio Service, 89 F.C.C.2d 1337, 1341 (1982).

reserved for General Purpose Mobile Services[4/]. Thus, the proposed narrowband spectrum is clear. There are no issues of displacing incumbent users as exists in the proposed spectrum for broadband PCS. NPRM at paras. 46 & 47. Finally, there are more issues and considerations concerning eligibility and entry of certain licensees, for example cellular and local exchange companies, NPRM at paras. 67 & 75, that do not exist in the 900 MHz narrowband services since more service providers can be accommodated on the proposed spectrum. Thus, because of the more complex nature of the broadband PCS services, and the attendant issues that have no affect on 900 MHz narrowband services, consolidation can only serve to delay service to the public. Since the NPRM itself is designed to avoid unnecessary regulatory delay, Dial Page urges the Commission to separate the 900 MHz narrowband PCS services from the broadband PCS services.

B. The Commission should adopt a flexible channelization plan and maximize entry opportunities for numerous 900 MHz narrowband services and providers by a allocating no more than 50 KHz channels.

9. The Commission has recognized the need to assign and divide the proposed 3 MHz of spectrum in a manner to allow flexibility in the design and implementation of different and innovative systems, and systems yet to be developed, and still allow for competition among systems. Because several types of advanced paging services, each having different spectrum requirements have been proposed, the Commission tentatively proposes to divide the 900 MHz spectrum into both paired and

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4/ See Amendment of Parts 2 and 22 of the Commission's rules Relative to Cellular Communications Systems, 2 FCC Rcd 1825, 1841 (1986).

unpaired blocks: paired blocks in 901-902 and 940-941 MHz bands; unpaired use in the 930-931 MHz band. NPRM at para. 50. The Commission outlined three allocation options: (1) 50 KHz paired and unpaired channels (20 paired blocks and unpaired blocks); (2) 250 KHz paired and unpaired channels (4 paired and unpaired blocks); and (3) 500 KHz paired channels and a 1 MHz unpaired channel. NPRM at paras. 51 & 52.

10. Dial Page concurs with Telocator, and advises the Commission to adopt a channelization plan that will accommodate multiple services that require different bandwidths, i.e. 25 KHz or 50 KHz, while at the same time accommodating as many service providers as possible. Dial Page supports the Commission's first option as far as bandwidth. The Commission should allocate no more than 50 KHz of spectrum per licensee. Dial Page adamantly opposes any allocation beyond 50 KHz. Proponents that require more than 50 KHz of spectrum may accumulate additional spectrum in the private marketplace. An allocation of 50 KHz per licensee will provide for multiple licensees and competition among the services.

11. Dial Page believes however that the Commission should not assign only symmetrical channel pairings as it tentatively proposes. NPRM at para. 50. Certain services do not require the same amount of spectrum for the forward or return channel. For example, Dial Page's proposed AP system requires a greater amount of spectrum for the outbound channel since it will transmit more data than the inbound AP channel. Thus, asymmetrical channel pairings would be a more efficient utilization of spectrum.

12. Dial Page urges the Commission to allocate spectrum in the 901-902 MHz band to low power transmission services, such as AP, to protect such services from interference from high powered transmissions in the adjacent channels of the 930-931 MHz/940-941 MHz bands. In addition, Dial Page proposes a system whereby regional winners of the lottery would have an opportunity - post lottery but preconstruction permit - to coordinate channel selection in order to ensure commonality of service on a multi-regional basis. Specifically, Dial Page proposes that the lottery be band rather than frequency specific. The winners would then have a 60-day window to coordinate with one another to determine whether there exists a commonality of service that could be offered on a multi-regional basis. Should there be such a commonality, the parties would then specify a frequency preference to the Commission. The Commission could then assign the appropriate frequencies to the appropriate parties and thereby promote more efficient market driven utilization of the spectrum.

C. **The Commission should establish Regional Service Areas.**

13. The Commission requests comment on the geographic scope of each licensee's service area. The NPRM proposes four service area options: (1) 487 "Basic Trading Areas", (2) 47 "Major Trading Areas", (3) 194 telephone LATAs; and, (4) Nationwide. NPRM at para. 60. Dial Page opposes these options.

14. Dial Page believes it imperative that the Commission license 900 MHz narrowband services on a regional basis. The paging industry has become regional in nature. The coverage of narrowband PCS services must be tailored to meet societies

needs. In addition, should the Commission license systems on a regional basis, the larger service areas will minimize regulatory costs involved in licensing on a transmitter by transmitter basis. Moreover, because multiple licensees can be accommodated on the 3 MHz of spectrum proposed for narrowband services, such a scheme provides for competition plus greater economies of scale.

15. In particular, Dial Page supports Telocator's five proposed regional markets defined as:

Northeastern Region: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, eastern Pennsylvania (excluding the counties west of the Allegheny Mountains), Delaware, Maryland, Virginia, the District of Columbia, eastern West Virginia (excluding the counties west of the Allegheny Mountains), the Virgin Islands and Puerto Rico.

Southeastern Region: Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia and Florida;

Southwestern Region: New Mexico, Oklahoma, Arkansas, Texas, and Louisiana;

Midwestern Region: North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Kentucky, Michigan, Ohio, western Pennsylvania, and western West Virginia; and

Western Region: Washington, Idaho, Montana, Oregon, Wyoming, California, Nevada, Utah, Colorado, Arizona, Alaska, and Hawaii.

Telocator's regional division is based on airline passenger traffic patterns between major airline hub cities. The division is intended to approximate each region's population travel patterns. This scheme is tailored to meet consumer's needs.

D. The Commission should adopt stringent anti-speculation rules to prevent lottery abuse.

16. Dial Page strongly supports Telocator's conviction that the Commission should strengthen its lottery procedures by employing rigid front end qualifiers to deter insincere applicants for narrowband PCS authorizations. Such procedures

include requiring a firm financial commitment, high application fees,[5/] and a prohibition on pre-lottery settlements. In addition, Dial Page suggests that once spectrum is allocated, the Commission should require licensees to meet a construction schedule, and a channel loading requisite to ensure the allocation actually meets a real public need.

III. Dial Page urges the Commission to reconsider the tentative denial of its Pioneer's Preference Request.

17. On September 14, 1992, Dial Page filed a petition for partial reconsideration of the NPRM portion tentatively denying Dial Page's pioneer's preference request for its AP service. NPRM at para. 160. Rather than repeating those arguments, Dial Page incorporates by reference its September 14, 1992 petition. Dial Page maintains that its proposal is worthy of a pioneer's preference. Moreover, Dial Page believes that the public interest is served by grant of preferences to those applicant's that meet the Commission's criteria. Such a policy encourages and promotes technological innovation.

18. In denying Dial Page's request, the Commission tentatively concluded that Dial Page's proposal was not innovative because other parties also proposed AP type service, and that Dial Page had not proven its feasibility because Dial Page had not presented the results of an over the air test. As

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5/ High application fees discourage speculation. When the Commission set a high fee for nationwide 220 MHz applications, the number of speculative applications filed was significantly reduced. Approximately 60,000 local 220 MHz applications were filed and only 140 nationwide 220 MHz applications when that application window was open in 1990. The $35.00 filing fee for the former and the $12,000 filing fee for the latter clearly had a large part to do with the smaller number of nationwide applications.

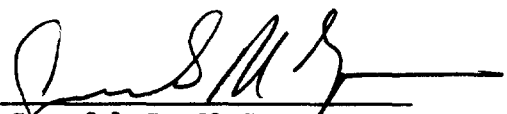
Dial Page clearly outlined in its petition, Dial Page was the first to introduce Acknowledgement Paging. Thus, by its very definition, Dial Page's proposal is new and innovative.6/ Moreover, through a series of tests, Dial Page has designed and developed new equipment that support and demonstrates the feasibility of Dial Page's proposal. Accordingly, Dial Page met the Commission's eligibility criteria for grant of its request.

IV. Conclusion.

19. In conclusion, Dial Page believes that the separation of the narrowband PCS services from the broadband PCS services will serve the public interest by permitting the Commission to act swiftly in adopting flexible rules and regulations that will permit the expeditious provision of advanced wireless messaging services to the public.

Respectfully submitted,

DIAL PAGE, INC.

By 
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6/ Indeed, the majority of narrowband proponents, which filed after Dial Page, incorporated an AP type feature in their own proposals, e.g., Mtel, Pagemart, Pagenet, Metriplix and Mobilcomm.

CERTIFICATE OF SERVICE

I, Patricia Edwards, a secretary in the law offices of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on the 9th day of November, 1992, sent by first class United States mail copies of the foregoing COMMENTS OF DIAL PAGE, INC. to the following:

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